Single Bench

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR**
**CIVIL REVISION NO. 71 of 2003**

1. RAMESH CHAND AHIR, AGED ABOUT 52 YEARS SON OF SHIR HIRA SINGH AHIR.
2. SMT. JANKI BAI AHIR, WIFE OF SHRI RAMESH CHAND AHIR BOTH RESIDENTS OF GOLEBAZAR,RAIPUR

P. R. No. 993/03 Presented by Shri Sandeep Soni dated 23.04.03

**PETITIONERS / PLAINTIFFS**

**VERSUS**

1. NILESH KUMAR SON OF SHRI MANUBHAI RESIDENT OF DURG, TEHSIL & DISTT. DURG
2. BHIKU BHAI SON OF SHRI ESHWAR BHAI RESIDENT OF DURG, TEHSIL & DISTT. DURG (C.G.)
3. MANIK BHAI SON OF UNKNOWN RESIDENT OF GOLE BAZAR, SHOP NO. 407, WARD NO.24, RAIPUR TAHSIL & DISTT. RAIPUR.

**RESPONDENTS / DEFENDANTS**

***REVISION PETITION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE, 1908***

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**आदेश पत्रक**

**मामला क्रमांक** C.R.171/03 **सन्** **200**

47

..... **विरुद्ध** .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | **10.03.2005**: -<br><br>Shri B.P.Sharma, learned counsel for the applicants.<br><br>The instant civil revision is directed against the impugned order dated 28.03.2003 passed by District Judge, Raipur (C.G.) in M.C.A.No.08/2002 and by which the appeal of the applicant against the rejection of his application for mandatory temporary injunction filed before the Court below, was rejected.<br><br>Learned counsel for the applicants seeks to withdraw the instant revision with liberty to file appropriate proceedings available under the law as the same is not maintainable in view of the amended proviso to Section 115 of the Code of Civil Procedure and the law laid down by the Apex Court reported ***in (2003) 6,SCC 659*** in the matter ***of Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and Others*** as well as in the case of ***Surya Devi Rai Vs. Ram Chander Rai and Others*** reported in ***(2003) 6, SCC, 675.***<br><br>Accordingly, the revision petition is dismissed as not maintainable with liberty as prayed for.<br><br>**Sd/-**<br>**Dhirendra Mishra**<br>**Judge** | |

(पीछे देखिये)